

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CORRECTION OFFICER NIVEA LOPEZ,

Plaintiff,

-against-

THE CITY OF NEW YORK and ADW MATOS,

Defendants.
----- x

**NOTICE OF MOTION TO
DISMISS THE COMPLAINT**

20 Civ. 898 (AKH)

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendants’ Motion to Dismiss the Complaint, dated May 22, 2020 and upon all the papers and proceedings previously had herein, Defendants City of New York and Assistant Deputy Warden Luis Matos (sued herein as “ADW Matos”) (“Matos,” and collectively “Defendants”) will move this Court at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, before the Honorable Alvin K. Hellerstein, Senior United States District Judge, at a time and date to be designated by the Court, pursuant to Rule 12(b), dismissing Plaintiff’s Complaint on the grounds that: (1) Plaintiff fails to state a plausible claim of disparate treatment on the basis of her gender or hostile work environment under Title VII, the SHRL, or the CHRL; (2) Plaintiff fails to state a plausible claim for retaliation under Title VII, the SHRL, or the CHRL; and (3) all claims against Defendant Matos pursuant to Title VII should be dismissed because there is no individual liability under Title VII.

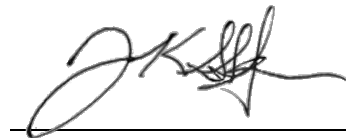
PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b) of this Court, any opposing affidavits and answering memoranda shall be served by Plaintiff within fourteen days after service of Defendants’ moving papers, and any reply affidavits and

memoranda of law shall be served within seven days after service of Plaintiff's answering papers.

Dated: New York, New York
May 22, 2020

JAMES E. JOHNSON
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Room 2-125
New York, New York 10007
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By:



J. Kevin Shaffer
Assistant Corporation Counsel

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JAMES E. JOHNSON
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New York, N.Y. 10007-2601

Of Counsel: J. Kevin Shaffer
Telephone: (212) 356-1105
Matter No.: 2020-014202

Due and timely service is hereby admitted.

Dated: New York, N.Y..... 2020

Signed

Attorney for.....